

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN MARSHALL,

Plaintiff,

v.

CITY OF RIVERVIEW,

Defendant.

Case Number 07-11689

Honorable David M. Lawson

Magistrate Judge Steven D. Pepe

ORDER ADOPTING REPORT AND RECOMMENDATION

Presently before the Court is the report issued on January 9, 2008, by Magistrate Judge Steven D. Pepe pursuant to 28 U.S.C. § 636(b) recommending that this Court grant the defendant's motion to dismiss or for summary judgment. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the Magistrate Judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 18] is **ADOPTED**.

It is further **ORDERED** that the defendant's motion to dismiss or for summary judgment

[dkt. # 14] is **GRANTED**. The Complaint is **DISMISSED with prejudice**.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: April 9, 2008

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 9, 2008.

s/Felicia M. Moses

FELICIA M. MOSES